श्री उपसभाध्यक्ष (कुमारी सरोज खापर्डे) क्या आपने रेजोलूशन विदड्रा किया?

श्री रामदास अग्रवाल: मंत्री जी कुछ कहना नहीं चाहते?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Minister, would you like to respond to his query?

श्री रामदास अग्रवाल: वर्कर्स के बारे में क्या होगा, जो सिक यूनिट्स हैं तीन सौ पचास?

SHRI M.P. VEERENDRA KUMAR: Madam, I have already said that there are 49 cases. I have already given that answer. Regarding other things, I have already made it clear in my answer. I have nothing more to add.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I think the Minister has given all the replies to your queries ...*(Interruptions)*...

MR. RAMDAS AGARWAL, are you going to withdraw your Resolution?

श्री रामदास अग्रवाल: महोदया, मंत्री महोदय की स्थिति को देखते हुए मैं अपना रेजोलूशन वापस ले लेता हूं।

The Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The question is:

That the Bill to provide for the transfer and vesting of the undertakings of the Industrial Reconstruction Bank of India to and in the Company to be formed and registered as a Company under the Companies Act, 1956, and for matters connected therewith or inciental thereto and also to repeal the Industrial Reconstruction Bank of India Act, 1984, passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 15 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI M.P. VEERENDRA KUMAR: Madam, I move:

That the Bill be passed.

The question was put and the motion was adopted.

THE DOCK WORKERS (REGULATION OF EMPLOYMENT (INAPPLICABILITY TO MAJOR PORTS) BILL, 1995.

THE MINISTER OF SURFACE TRANSPORT (SHRI T.G. VENKATRAMAN): Madam, I beg to move:

"That the Bill to provide for inapplicability of the Dock Workers (Regulation of the Dock Workers (Regulation of Employment) Act, 1948 to dock workers of major port trusts and for matters connected therewith or incidental thereto, be taken into consideration."

[THE VICE-CHAIRMAN, (SHRI TRILOKI NATH CHATURVEDI), IN THE CHAIR.]

Sir, with your permission, I would like to say a few words while moving the Dock Workers (Regulation of Employment (Inapplicability to Major Ports) Bill, 1995 for consideration and approval.

Till 1948, the Dock Workers, loading and unloading ships, belonged to Stevedores, or wee hired by them directly, or through labour contractors and were not paid suitable wages, nor assured regularity of employment. In order to provide greater regularity of employment. In order to provide greater regularity of employment to these Cargo-Handling Labourers and to prevent their exploitation, an Act was passed by Parliament, namely, the Dock Workers (Regulation of Employment) Act, 1948. This Act provided for formulation of necessary schemes by the Government, which were to be administered by the Dock Labour

Boards set up under this Act. Such Dock Labour Boards were set up at seven ports, i.e., Bombay, Calcutta, Masdras, Cochin, Kandla, Visakhapatnam and Mormugao Ports. As on 31.12.96, there were 14,539 workers in the seven Dock Labour Boards. The Dock Labour Boards are financed from the wages and levy paid by the Stevedores.

The operations on board the vessels are carried out by Dock Workers belonging to Dock Labour Boards and on shore are carried out by another set of labour called Shore Workers who are Port employees. This dual system has certain disadvantages, a s two different sets of labour with different service conditions and under different statutory bodies do essentially the same job, but are kept in water-tight compartments with no interchangeability of laour, say on the shore, may be idle, there may be shortage of dock labour, or *vice-versa,* leading to nonoptimum and uneconomic use of labour.

We wish to merge the labour of the Dock Labour Boards with the concerned Port Trusts, so that interchangeability of gangs is introduced. I would like to make it clear that no labour will be retrenched or dismissed by this move. All the Dock Labour Boards employees/workers will become employees/workers of the respective Port Trust and the merger will be carried out after signing an MoU with the Labour Union.

In Bombay, after an Agreement under the Industrial Disputes Act was reached between local Labour Unions and the Management of Bombay Port Trust/ Bombay Dock Labour Board, the Schemes under the Dock Workers (Regulation of Employment) Act, 1948 were revoked with effect from 1.3.94 and Bombay Dock Labour Board was superseded with effect from 25.2.94. In the case of Cochin Dock Labour Board, after an Agreement was signed with the local labour unions on 6.6.1994, under the Industrial Disputes Act, 1947, composite interchangeable gangs were introduced with effect from 11.7.94 as a first step towards merger with Cochin Port Trust. The Board has also been superseded with effect from 27.6.95 for a period of two years.

The existing Dock Workers (Regulation of Employment) Act, 1948 does not contain any provision for the abolition of Dock Labour Boards and only supersession of Board is permitted. To introduce an enabling provision, a Bill, namely, Dock Workers (Regulation of Employment) (Inapplicability to Major Workers (Regulation of Employment) (Inapplicability to Major Ports) Bill, 1995 was introduced in the Rajy Sabha, referred the Bill to the Department-Related Parliamentary Committee on Transport & Tourism for examination and report. The committee submitted its report to the Rajya Sabha on 4.12.95 and laid it on the Table of the Lok Sabha on 6.12.95. In their report, the Commitee suggested amendments to clause 3 of the Bill to provide that the applicability of the provisions of t he Dock Workers (Regulation of Employment) Act, 1948 will cease only after a settlement is arrived at with the workers. The provisions of the Bill introduced in the Rajya Sabha did not specifically provide for a "settlement" through this was implicitly understood. The amendment has been accepted by the Government.

This Bill provides that from a date to be notified in the Gazette, the Central Government will have the authority to direct that the provisions of the Dock Workers (Regulation of Employment) Act, 1948 will case to apply to a Major Port, so specified. On that appointed day, all property, assets, funds, employees and workers of a Dock Labour Board will merge with the repective Port Trusts. In the circumstances stated above, I beg to more that the Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Bill, 1995 may be taken into consideration by this House.

The questions was proposed

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Thank you, Mr. Minister. Any hon. Member, who wants to speak, can do so. I have the list before me. Shri Govindram Miri.

श्री गोविन्दराम मिरी (मध्य प्रदेश): उपसभाध्यक्ष महोदय, डॉक वर्कर्स के लिए 1948 में एक बिल लाया गया थीं फिर एक लंबी अवधि के बाद 1995 में यह नया बिल इंट्रोड्यूस किया गया। अब इतनी लंबी अवधि के अनेक समस्याएं सामने आई गोदी कर्मचारियों के कार्यकरण के संबंध में। महोदय, जैसा कि इसमें बताया गया है, एक पोर्ट के कर्मचारी दूसरे प्रकार का कार्य नहीं करते थे और इसलिए अनेक कठिनाइयां उत्पन्न हुई और उनमें एकरूपता लाने के लिए यह बिल लाया गया है। महोदय, इस बिल का जो क्लाज़ 4(1) ई है, इसमें बताया गया है कि सारेऐ कर्मचारी मर्ज हो जाएंगे, उनके इंट्रस्ट मर्ज हो जाएंगे, लायेबिलिटीज़ मर्ज हो जाएंगी लेकिन मुझे लगता है कि यह एक दूसरे से कंट्राडिक्टरी है। इसमें कहा गया है कि—

Every employee and workers serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable then those which would have been admissble to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board.

एक तरफ तो ये कहते है कि "लैस फेवरेबल' नहीं होगा और दूसरी तरफ ये कहते है कि जब तक बोर्ड द्वारा उनको टर्मिनेट नहीं किया जाएगा या उनका टेन्योर खत्म नहीं किया जाएगा। इसलिए इस बात की गारंटी नहीं है जो कर्मचारी पहले से कार्य करते आ रहे है विभिन्न पोर्ट्स में, उनकी जो टर्म्स ऐड कंडीशंस है सर्विस की, उनके जो बैनिफिट्स हैं, वे ज्यों के त्यों लागू होंगे और उनके इंट्रस्ट के विपरीत कार्य नहीं होगा और उनको रिट्रैंच नहीं किया जाएगा। इस बात का कोई संकेत नहीं है।

महोदय, मैं कहना चाहता हूं कि ये क्लाज़ एक-दूसरे के कंट्राडिक्टरी हैं। आप एक ओर कहते हैं कि 'लैस फेवरेबल' नहीं होगा लेकिन दूसरी तरफ अधिकार देते है बोर्ड को कि जब तक रिट्रैंच नहीं किया जाएगा। इससे लगता है कि वर्कर्स के मन में भय व्याप्त होगा कि कहीं हमें हटा तो नहीं दिया जाएगा, हमें जो सुविधाएं मिल रही हैं उनमें कमी तो नहीं कि जाएगी, हमारे रोजगार की शर्तों को बदल तो नहीं दिया जाएगा।

महोदय, दूसरी बात मैं यह कहना चाहता हूं कि आगे क्लाज़ 4(2) में कहा गया है कि—

Notwithstanding anything contained in the Industrial Disputes Act,1947, or in any other law for the time being in force, the transfer of the services of any employee under this section to the Board shall not entitle such employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, Tribunal or other authority.

महोदय, आप अभी देख रहे हैं कि गरीब से गरीब आदमी अदालतों में जा रहा है न्याय पाने के लिए। वहीं दूसरी ओर हम बैन कर रहे हैं कि कोई न्यायालय में नहीं जा सकता अपने अधिकारों के लिए जब उनका रिट्रेंचमेंट होगा तो जुडिशियल रेमेडी अगर हम एक तरफ डिबार कर रहे हैं, दूसरी तरफ हम कोर्ट की पावर को कर्टेल कर रहे हैं। इस बात का क्या कारण है कि जो वर्कर हैं उनको वहां पर न्याय मिल जाएगा। आखिर 1948 के बाद यह बिल आप 1995 में लाए है। इतने साल की अवधि के बाद जो इतनी समस्याएं आई हैं, कहीं ऐसा न हो कि समस्याएं हल होने के बदले समस्याएं और बढ़ जाएं।

फिर इसी तरफ से यह जो क्लाज-3 है, यह जो मर्जर होने से पहले इस बात की संभावना व्यक्त की गई थी कि कोर्ट के जो अनेक लोग काम कर रहे हैं, विभिन्न यूनियन उसमें काम कर रही है अगर उनकी राय, सलाह, मशवरा नहीं लिया गया जो कि विभिन्न क्षेत्रों से आते है, कई राजनीतिक दल उसमें काम करते हैं, उनको जब तक विश्वास में नहीं लिया जाएगा, उनके प्रतिनिधियों से बातचीत नहीं की जाएगी तब तक यह बिल जिस उद्देश्य के लिए लाया गया है वह उद्देश्य पूरा नही होगा। क्योंकि पार्लियामेंट की जो कमेटी बनी थी—कमेटी आन ट्रांसपोर्ट एंड टूरिज्म, इस कमेटी ने अपनी रिपोर्ट में कहा था:

"The Committee feels that since even the representatives of the Government who depose before the Committee had clarified that the Government would merge the Dock

Labour Board with the Port Trust only after consulting the local unions, the Bill should specify such a course of action."

तो मुझे इसमें शंका हो रही है। आगे उन्होंने कहा है:

"The Committee notes that Clause 3 of the Bill does not clearly state that such an agreement would precede the merger. The Committee feels that such a merger should take place only after the settlement between the Dock Labour Board, its workmen and the management of the ports."

अब क्लॉज-3 में ऐसा भी नहीं बताया गया है कि जो डॉक लेबर है उनके मेनेजमेंट, उनके फेडरेशन इन सब के बीच में बात होकर के उनकी समस्याओं का निराकरण करने के लिए पूरी उनकी सहमति ले ली गई है, ऐसा इसमें स्पेसिफाई नहीं करता है। इसलिए मुझे भय है जैसा मैंने पहले कहा कि इसमें लेबर अनरेस्ट होने की समस्या पैदा हो सकती है। जो विभिन्न पौलिटिकल पार्टीज की विभिन्न यूनियन काम कर रही है उनकी इगो आपस में टकराएंगी। इस बात की संभावना है उनको हल करने के लिए आपने कौन सी यूनिफार्मटी लाने के लिए कौन से ऐसे अधिकारी नियुक्त किए कि जो बोर्ड बनाया जाएगा उसमें जो यूनियन हैं उनके इंटरेस्ट को देखने के लिए उनके प्रतिनिधि उसमें रहेंगे या नहीं, इस बात का भी इसमें उल्लेख नहीं है। महोदया, मेरा आपसे ऐसा अनुरोध है कि बिल लाने की भावना तो अच्छी है लेकिन उसमें अनेक कमियां हैं। अच्छा होता कि बार-बार इस तरह से बिल लाने के बदले एक कम्प्रेहेंसिव बिल लाते जिसमें सारी समस्याओं का निराकरण किया जाता और अच्छी चीज स्पेसिफाई होती। इसमें अनेक कमियां हैं, खामियां हैं, जो कि इसमें स्पेसिफाई नहीं किया गया है। मेरा आपसे अनुरोध है कि इसमें ऐसा न हो कि जो डॉक वर्कर्स हैं, वह किन कठिन परिस्थितियों में काम करते हैं उनके जो इंटरेस्ट हैं उनके और भी जो बेनिफिट्स हैं वह सब सेफगार्ड होने चाहिए, उसमें किसी तरह से कोई गड़बड़ नहीं होनी चाहिए और सब के बीच में सामंजस्य स्थापित हो, ऐसी आप व्यवस्था करेंगे। इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूं और आशा करता हूं कि जिन बातों को मैंने इनगित किया है उन समस्याओं का निराकरण मंत्री महोदय करेंगे।

RECOMMENDATIONS OF THE BUSINESS ADVISORY COMMITTEE

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Before I request Shri John F. Fernandes to speak, I have to inform the Members that the Business Advisory Committee at its meeting held today, the 13th March, 1997 recommended—

1. That in order to provide sufficient time for discussion on the Railway Budget for 1997-98, the House would sit on Saturday, the 15th March, 1997, and that there would be no Question Hour on that day.

2. The Committee also recommended that the General Discussion on the General Budget for 1997-98, be scheduled on Monday and Tuesday, the 17th and 18th March, 1997. The Statutory Resolution on Uttar Pradesh, legislative Business and other Business would be taken up on Wednesday, Thursday and Friday, the 19th, 20th and 21st March, 1997.

3. The Committee further recommended that in order to complete the listed Government Business, the House should sit beyond 5.00 P.M. each day, from Friday, the 14th March, 1997.

THE DOCK WORKES (REGULATION OF EMPLOYMENT (INAPPLICABILITY TO MAJOR PORTS) BILL, 1995—Contd.

SHRI JOHN F. FERNANDES (Goa): Mr. Vice-Chairman, Sir, I feel that it is a very innocuous Bill and, more so, this Bill has been scrutinised by the Standing Committee of the Parliament. So, the job of the Parliament is very simple. But at the same time I would like to speak on this Bill because I belong to Goa where we have a major port trust and we have a Dock Labour Board. This Bill is commendable because it is going to amalgamate two workforces within the port area, offshore and onshore. Whenever the Parliament passed any Statute or Act to merge two organisations there was